



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/973,564

10/09/2001

Raymond Anthony Joao

RJ210

6010

7590

03/10/2006

RAYMOND A. JOAO, ESQ.
122 BELLEVUE PLACE
YONKERS, NY 10703

EXAMINER

NELSON, FREDA ANN

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,564

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Freda A. Nelson

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 25-40 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received December 22, 2005 is acknowledged and entered. Claims 1-20 have been canceled. Claims 21-40 have been added. Claims 21-40 are currently pending.

Response to Amendment and Arguments

Applicant's arguments with respect to claims 21, and 25-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the total" in lines 9 and 10, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 39 recites the limitation "the Internet" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3639

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21, 31, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (US PG Pub. 2002/0178071).

As for claim 21, Walker et al. disclose a computer-implemented method, comprising:

receiving information regarding an order for at least one of a good, a product, and a service, and a maximum spending limit (paragraphs [0103], [0134]);

processing the information regarding the order with a processing device (paragraphs [0095]-[0098], [0111]);

computing a first total or aggregate cost for the order, wherein the total or aggregate cost for the order includes the cost for the at least one of a good, a product, and a service, and at least one of a shipping charge or cost, a handling charge or cost, a tax, a duty, a tariff, an insurance charge or cost, and a transaction charge or cost, associated with the order (paragraphs [0055], [0277]);

determining whether the first total or aggregate cost for the order is at or below the maximum spending limit (paragraph [0134]);

detecting a price reduction event, wherein the price reduction event is at least one of a reduction in a selling price of the at least one of a good, a product, and a service, a reduction in or a waiver of a shipping charge or cost, a reduction in or a

Art Unit: 3639

waiver of a handling charge or cost, a reduction in or a waiver of a tax, a duty, or a tariff, a reduction in or a waiver of an insurance charge or cost, and a reduction in a transaction charge or cost (paragraph [0175] [0178]; FIG. 26);

computing a second total or aggregate cost for the order (paragraph [0107]);

generating a message containing information regarding the second total or aggregate cost for the order (paragraphs [0068],[0107]); and

transmitting the message to a communication device associated with an individual (paragraphs [0068][0107]).

As for claim 31, Walker et al. disclose the computer-implemented method of claim 21, wherein the price reduction event is a reduction in a selling price (paragraphs [0175],[0178]).

As for claim 38, Walker et al. disclose the computer-implemented method of claim 21, wherein the communication device is a wireless device (paragraph [0063]).

As for claim 39, Walker et al. disclose the computer-implemented method of claim 21, wherein the information regarding an order for at least one of a good, a product, and a service, and a maximum spending limit, or the message, is transmitted on or over at least one of the Internet and the World Wide Web (Paragraph [0036]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-30 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US PG Pub. 2002/0178071), in view of WO 00/70519.

As for claims 25-30, Walker et al. do not disclose the computer-implemented method of claim 21, wherein the message contains information regarding at least one of an available shipper, a shipping option, and a shipping cost; and an available taxing authority or a country of origin for the at least one of a good, a product, and a service.

WO 00/70519 discloses a transportation logistics system (250) provides vendors or shoppers, at the time of purchase, a total global delivered cost quote for shipping a product between locations; and the total delivered cost quote, which includes any applicable inland origin freight, inland destination freight, air freight, ocean freight, insurance, duties, taxes, customs clearance fee, import fee, or service fees is presented to the requestor with both ocean freight and airfreight options; and the transportation logistic system (250) can coordinate the shipment of the selected product to the delivery destinations, and enables the payment of all quoted fees, if the requestor accepts the quote (abstract). WO 00/70519 still further discloses that the method further comprises the step of (e) presenting the total cost to the requestor and (f) initiating transportation of

the identified product to the specified destination (page 4, lines 6-17; FIGS. 2-3 and 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Walker et al. to include the feature of WO 00/70519 in order to provide a customer with at least an available shipper, a shipping option, and a shipping cost; and an available taxing authority or a country of origin for the at least one of a good, a product, and a service in order to provide all-inclusive price and delivery quotes instantaneously at the point of purchase. WO 00/70519 does not expressly disclose the processing device being programmed to select a taxing authority and selecting an insurance policy for the order. However, it is obvious that if the total delivered quote includes tax and insurance and the system can coordinate and initiate the shipment of the selected product to the delivery destinations based on accepted quotes, then the system can also select a taxing authority and insurance if it is a shipping requirement.

As for claims 32-36, Walker et al. do not disclose the computer-implemented method of claim 21, wherein the price reduction event is a reduction in or a waiver of a shipping charge or cost; a reduction in or waiver of a handling charge or cost; a reduction in or waiver of at least one of a tax, a duty, and a tariff; and a reduction in a transaction charge or cost. However, it old and well known in the business art that many sellers or vendors offer reductions or waivers shipping charges or costs; handling charges or costs; taxes, a duties, and a tariffs; and transaction charges or costs for loyal or valued customers and for shoppers especially around the Christmas season.

Art Unit: 3639

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Walker et al. to include discounts or waivers shipping charges or costs; handling charges or costs; at least one of a tax, a duty, and a tariff; and transaction charges or costs to retain old customers and obtain new customers.

As for claim 37, Walker et al. do not disclose the computer-implemented method of claim 21, wherein the computer-implemented method utilizes at least one of an intelligent agent, a software agent, and a mobile agent. However, it is old and well known in the business art that many websites employ intelligent agents, software agents, and mobile agents, as well as spiders and shopping bots to find merchandise. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Walker et al. to include the use of intelligent agents, software agents, and mobile agents in order to the buyer with a more focused search.

Conclusion

4. The following is an examiner's statement of reasons for allowance:

A) The prior art for example:

(1) Walker et al. (US Pg Pub. 2002/0178071), which disclose settlement systems and methods wherein a buyer takes possession at a retailer of a product purchased using a communication network.

(2) WO 00/70519, which discloses a network accessible quotation and shipping system.

However, in regard to claims 22-24, the prior art does not teach or suggest the specific manner in which the shipping, handling, and transaction charges are minimized.

5. The examiner has cited prior art of interest, for example:

1) Walker et al. (Patent Number 5,794,207), which discloses method and apparatus for a cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers.

2) Walker et al. (Patent Number 6,041,308), which disclose a system and method for motivating submission of conditional purchase offers.

3) Priceline.com

6. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

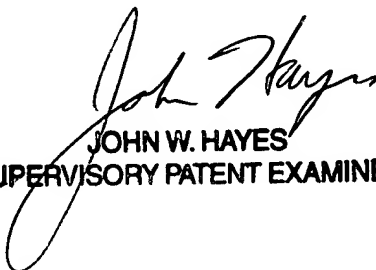
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/05/2006

A handwritten signature in cursive script, appearing to read "Freda Nelson".A handwritten signature in cursive script, appearing to read "John W. Hayes".

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER